

EXHIBIT 1

EXHIBIT (A)

NATIONAL PARK PLANNER

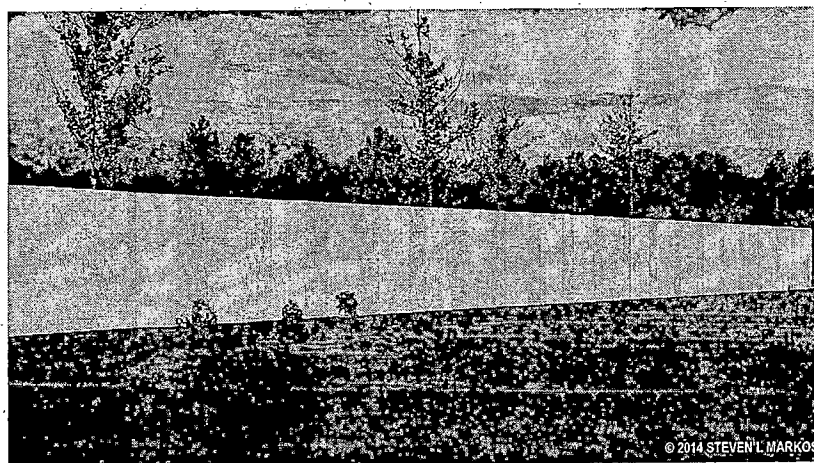
BRINGING YOU AMERICA ONE PARK AT A TIME

WWW.NPPLAN.COM

July 12, 2018

Dear Thomas Tours and Travel,

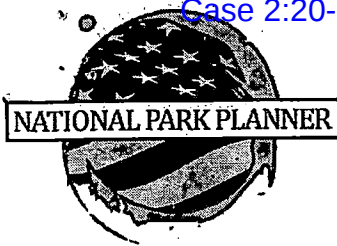
I am the photographer and copyright holder of a photograph that you are using without permission on your website *Thomas Tours* (direct web page: <http://www.thomastours.com/flight93.html>). The photo in question is *Flight-93-15* (original file name). This photograph was registered with the U. S. Copyright Office on November 2, 2016, Registration Number *VA 2-022-996*. Your article was published in 2018. A copy of the Certificate of Registration is enclosed.



I have spent a substantial amount of money and one year traveling to obtain the photos that I use on National Park Planner. During this time I saw my wife and 10-year-old-daughter for only one week. In addition, I have spent five years of my life planning and writing content for the web site. To date, I have written over 3,800 pages and posted 12,200 photos. As part of my income, I license my photos on a regular basis. I am certain that you would not want people to take your articles and photos and post them on their website without permission and can thus understand my position.

The use of a photograph without permission of the copyright holder is a violation of the Copyright Law of the United States, Title 17 of the United States Code. A person or other entity found in violation of the code may be liable for the following:

- Statutory damages of a minimum of \$750 and a maximum of \$30,000, per Section 504 (c)(1), and up to \$150,000 if the violation is found to be willful, per Section 504 (c)(2)
- Per Section 1202 (b), additional statutory damages of a minimum of \$2,500 and up to \$25,000 are awarded for the removal of Copyright Management Data (Section 1203 (c) (3))
- Legal fees sustained by the copyright owner per Section 505
- Federal Court fees and costs per Section 505
- Profits from the use of a copyright image per Section 504 (b)



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PROOF OF YOUR USE OF IMAGE *Flight-93-15*

1. Screen capture of your website displaying the photograph (see Exhibit 1 and 2).

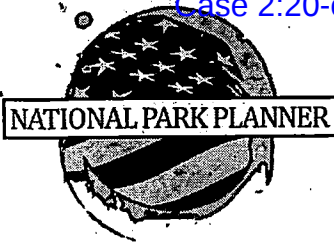
Both the screen capture and image in question have been obtained by two other independent parties who can verify that the image was used on your web site. Removing the image makes no difference when it comes to proving that the image was used.

PROOF THAT I AM THE COPYRIGHT HOLDER OF IMAGE *Flight-93-15*

1. You can view the original photograph by going to www.npplan.com and searching "*Flight-93-15*" in the site's search. The photo appears in the article *Memorial Plaza and Wall of Names*.
2. You can examine elements in the photo that only exist for a moment—clouds, trash or sticks on the ground, people or vehicles, shine on leaves, etc.—and can clearly see that the photo on National Park Planner's web site is the same one as on your web site.
3. The image that is being used on your web site contains camera metadata in the file. The Camera Data EXIF, which cannot be changed, shows the camera serial number used to take the photos: #3027923, the Nikon D300 that I own. I have downloaded this image from your web site and you can see the metadata in Exhibits 2. (You can take the image used on your website and verify this using any metadata reader.)
4. The photograph on the National Park Planner website is a crop of the original. Only I have the original and it has never been published. The original shows all of the extended edges not visible on the web site photo. Place the cropped image on top of the original and you will see that the edges are an exact match. Should you not yet be convinced that I own the image, I can produce a print of the original for comparison purposes.
5. Contact the US Copyright office to verify that the photo in question is indeed registered to Steve Markos.

SETTLEMENT OFFER

Statutory damages and legal fees can be very substantial. The copyright information embedded on bottom right corner of the image has been purposely cropped and removed. Copyright law provides for a minimum statutory damage award of \$3250 for such cases, and actual fines are usually much higher since the removal shows intentional copyright violation. However, I am willing to settle this issue without the involvement of attorneys or a lawsuit for **\$495**. This is a non-negotiable, one-time offer that is good for 30 days from the date of this letter. Once the 30 days has expired without receipt of payment, the proposed financial settlement will no longer be valid. All unresolved cases are turned over to my attorney. As you can imagine, once attorneys are involved the settlement offer will not be so affordable. Failure to reach a agreement with the attorney may result in a federal copyright lawsuit being filed.



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I want to make it perfectly clear that this is not a request to remove the image to avoid payment. I do not provide photographs free of charge to individuals, businesses, or organizations of any type to use to promote their commercial or fund raising endeavors. Your organization has used my photo in such a manner and removing it does not negate that fact.

Payment does, however, grant Thomas Tours and Travel a Commercial Use License for use of image *Flight-93-15*, so you can continue to use the photograph on your site. See npplan.com/home-page/photo-usage/ for details. Upon request, an invoice can be provided for your business records.

PAYMENT

You can pay the proposed settlement fee by either check or credit card. You can pay by credit card by visiting my web site (npplan.com) and going to the DONATE page. There is a link to a PayPal option. You do not need to have a PayPal account to make a payment. You can also send a check made out to Art=Visual to the following address:

Art=Visual
c/o Steve Markos
2606 Waters Edge Trail
Roswell, GA 30075

Before choosing to ignore this letter, I highly recommend that you either consult with a copyright attorney and/or read the following web sites:

<http://www.contentfac.com/copyright-infringement-penalties-are-scary/>

<http://www.blogger.com/bloggers-beware-you-can-get-sued-using-photos-your-blog-my-story>

<http://www.livingfornaptime.com/starting-a-blog/blogging-mistakes-to-avoid/>

<http://www.thelegalsupplement.com/vicarious-liability-for-copyright-infringement> (article on your liability even if your web designer used the photo in the web site).

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Markos", with a long horizontal flourish extending to the right.

Steve Markos

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Exhibit 1

Flight 93 Memorial
Shanksville, PA - Saturday, 10/14/2018

\$89

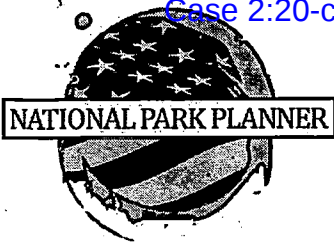
INCLUDES:
Lunch
Flight 93 Memorial & Chapel
The Pit Stop
Fort LeGenier

Flight 93 Memorial Chapel is a remodeled parish church dedicated to the honor and glory of God and to the Heroes of Flight 93, the passengers who perished on September 11, 2001. The non-denominational Chapel is recognized as the first permanent memorial to Flight 93 and was dedicated on September 11, 2002.

The Flight 93 National Memorial is located at the site of the crash of United Airlines Flight 93, which was hijacked in the September 11 attacks, in Shanksville, Pennsylvania, about 2 miles north of Shanksville, and 60 miles southeast of Pittsburgh. The memorial was made to honor the passengers and crew of Flight 93 who stopped the terrorists from reaching their target. A temporary memorial to the 40 victims was established soon after the crash, and the first phase of the permanent memorial was completed, opened, and dedicated on September 10, 2011.

Before opening The Pit Stop, Mildred gained her battle expertise running a boarding house in Krasau, PA. She served delicious homemade pies, breads and rolls to her guests.

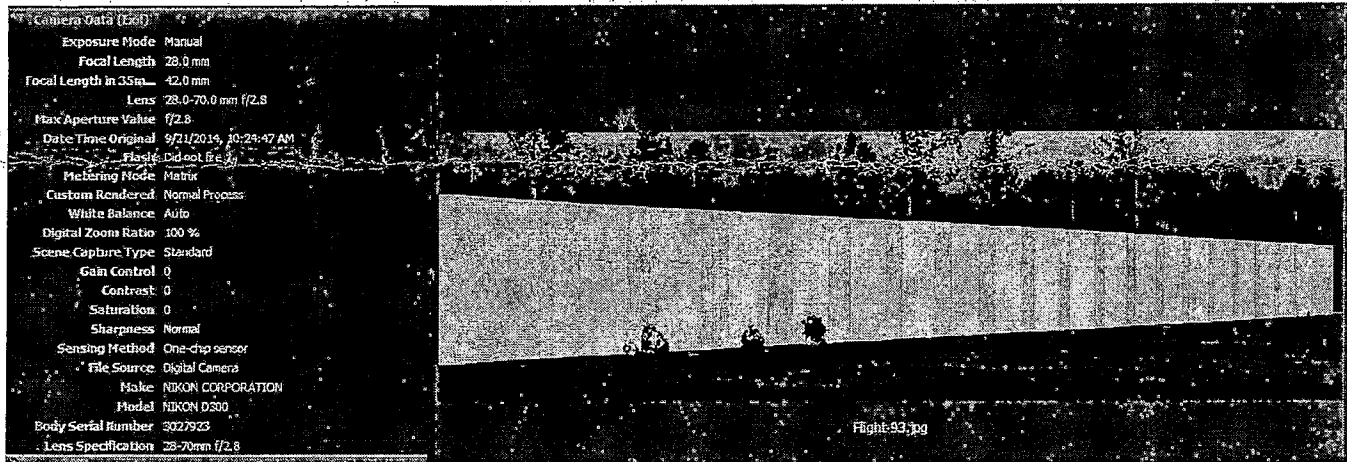
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Exhibit 2



Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Karen Leigh Clay

Acting United States Register of Copyrights and Director

Registration Number

VA 2-022-996

Effective Date of Registration:

~~November 02, 2016~~

Title

Title of Work: Group Registration Photos, National Park Planner, published February 7, 2014 to December 6, 2014, 2538 photos

Content Title: Russell-Cave-01 to Russell-Cave-07, February 7, 2014; Russell-Cave-09 to Russell-Cave-18, February 7, 2014; Russell-Cave-20, February 7, 2014; Russell-Cave-22 to Russell-Cave-23, February 7, 2014

Matanzas-01 to Matanzas-21, February 11, 2014

Marcos-01 to Marcos-24, February 12, 2014

Kennesaw-001 to Kennesaw-028, February 14, 2014; Kennesaw-030 to Kennesaw-035, February 14, 2014; Kennesaw-037 to Kennesaw-064, February 14, 2014

Ninety-Six-01 to Ninety-Six-09, February 20, 2014; Ninety-Six-11 to Ninety-Six-20, February 20, 2014; Ninety-Six-22, February 20, 2014; Ninety-Six-23, February 20, 2014; Ninety-Six-26 to Ninety-Six-44, February 20, 2014

Chickamauga-Auto-001 to Chickamauga-Auto-031, February 23, 2014

Chickamauga-Bike-01 to Chickamauga-Bike-04, February 23, 2014

Chickamauga-Bragg-01 to Chickamauga-Bragg-12, February 23, 2014; Chickamauga-Bragg-14 to Chickamauga-Bragg-21, February 23, 2014; Chickamauga-Bragg-23, February 23, 2014

Chickamauga-Cemetery-01 to Chickamauga-Cemetery-14, February 23, 2014

Chickamauga-Confederate-01 to Chickamauga-Confederate-07, February 23, 2014; Chickamauga-Confederate-09 to Chickamauga-Confederate-20, February 23, 2014; Chickamauga-Confederate-23, February 23, 2014; Chickamauga-Confederate-27 to Chickamauga-Confederate-32, February 23, 2014

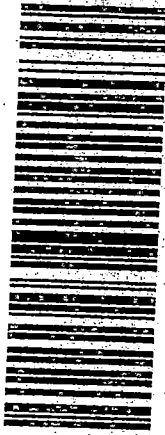
Chickamauga-Hybrid-01 to Chickamauga-Hybrid-14, February 23, 2014; Chickamauga-Hybrid-16, February 23, 2014; Chickamauga-Hybrid-18 to Chickamauga-Hybrid-20, February 23, 2014; Chickamauga-Hybrid-25 to Chickamauga-Hybrid-40, February 23, 2014; Chickamauga-Hybrid-42, February 23, 2014; Chickamauga-Hybrid-43, February 23, 2014; Chickamauga-Hybrid-45 to Chickamauga-Hybrid-51, February 23, 2014

Chickamauga-VC-001 to Chickamauga-VC-013, February 23, 2014

Chickamauga-Picnic-01 to Chickamauga-Picnic-04, February 23, 2014

National Park Planner
2606 Waters Edge Trail
Roswell, GA 30075

7017 2400 0000 7778 5731



CERTIFIED MAIL

PLACE STICKER ABOVE ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD MAIL TO THE RIGHT.

Thomas Tours and Travel
763 Carl Avenue
New Kensington, PA 15068

15068-4585E3



RETURN RECEIPT
REQUESTED



1028

15068



U.S. POSTAGE
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30076
JUL 12 '18
ROSWELL, GA
AMOUNT
\$6.91
R2304E10697-13